

IN THE HIGH COURT OF JUDICATURE AT BOBBY
CRIMINAL APPELLATE JURISDICTION
CI. APPLICATION NO. 3930 OF 2004

Sahara @ Shaji Abdul Latif ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Mrs. Anjali Patil Contractor for Applicant.
 Mr. D.R. More, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 12.10.2004

PC :-

. Heard the learned counsel for the parties.
 Perused the record.

. There is some substance in the grievance about the justness of the identification parade in which the Applicant is stated to have been identified. Be that as it may, it is not in dispute that the applicant is arrested in connection with the offence of 16.12.2002 and he is languishing in jail without any progress of the trial. Reliance is placed on the decision of the Apex Court, reported in 2000 CRI L.J.- 2774, in the case of Vivek Kumar vs. State of U.P.. In similar situation, the Apex Court thought it appropriate to release the accused on bail on certain conditions.

The only objection on behalf of the State, taken by the public prosecutor, is that the applicant was involved in some other offence. However, it is brought to my notice that the applicant has already been acquitted in connection with the said offence, which fact is not in dispute. If it is so, applying the principle stated in the decision of the Apex Court, in the case of Vivek Kumar vs. State of UP, (supra), the Applicant deserves to be enlarged on bail on certain strict conditions, as follows :-

Applicant is enlarged on bail in connection with C.R.No.347/2002, registered with Chembur Police Station, on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) with one or two local sureties in the like amount.

The Applicant shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

The Applicant shall report to Chembur Police Station, on every Saturday between 10 a.m. to 2 p.m., till the conclusion of the trial.

. Order accordingly.

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